

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GOLDEN BEAR MANAGEMENT
CORPORATION AND DELTA
ADJUSTING COMPANY,

Plaintiff,

v.

CERTAIN UNDERWRITERS AT
LLOYD'S LONDON, SUBSCRIBING
TO POLICY No. 50006700119,

Defendant.

No. 2:22-cv-02097-JAM-SCR

**ORDER DENYING PLAINTIFF'S AND
DEFENDANT'S CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

Before the Court are Golden Bear Management Corp.'s ("Plaintiff") and Certain Underwriters at Lloyd's London's ("Defendant") cross-motions for summary judgment. See Plaintiff's Mot., ECF No. 43; Defendant's Mot., ECF No. 48. The motions are fully briefed. See Plaintiff's Reply and Opp'n, ECF No. 54; Defendant's Reply, ECF No. 61. For the following reasons, the Court DENIES both motions in their entirety.¹

In the cross motions for summary judgment, the parties submitted a total of 225 "Undisputed Facts" in support of their

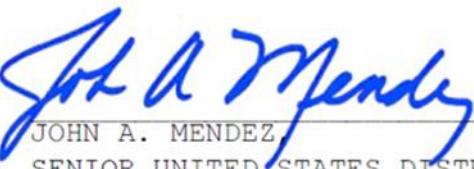
¹This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g). The hearing was scheduled for November 19, 2024.

1 cross-motions, not including Plaintiff's improperly submitted
2 additional 37 facts. See Defendant's Response to Statement of
3 Undisputed Facts, ECF No. 51; Plaintiff's Response to Statement
4 of Undisputed Facts, ECF No. 55. Of these 225 facts, 94 are
5 disputed in whole or in part by the parties. Many of these facts
6 go to the core of each party's cross-motion. For example, the
7 parties raise a genuine issue as to whether Plaintiff's
8 settlement constituted a loss under the policy. See Defendant's
9 Response to Statement of Undisputed Fact 13; Plaintiff's Response
10 to Statement of Undisputed Fact 144. The parties further dispute
11 whether Plaintiff put Defendant on notice of a potential claim
12 within the policy period. See Defendant's Response to Statement
13 of Undisputed Facts 37 and 38; Plaintiff's Response to Statement
14 of Undisputed Fact 161. Finally, the parties present a genuine
15 dispute as to whether Defendant needed to consent before
16 Plaintiff settled. See Defendant's Response to Statement of Fact
17 19; Plaintiff's Response to Statement of Undisputed Facts 188 and
18 189. These are just a few examples of the many genuine disputes
19 of material fact that remain in this case.

20 Accordingly, the Court DENIES Plaintiff's and Defendant's
21 cross-motions for summary judgment in their entirety.

22 IT IS SO ORDERED.

23 Dated: December 2, 2024

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26 JOHN A. MENDEZ
27 SENIOR UNITED STATES DISTRICT JUDGE
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